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PATENT & TRADEMARK OFFICE

9-01-04

IFW
#

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

| | | |
|---|---|---|
| Inventor | : | ZIEGLER et al. |
| Appln. No. | : | 10/645,241 |
| Conf. No.: | : | 7532 |
| Filed: | : | August 21, 2003 |
| Title: | : | INTERACTIVE CHARACTER FOR USE WITH AN AEROSOL MEDICATION DELIVERY SYSTEM |
| Group Art Unit | : | 3743 |
| Examiner | : | Mitchell, T |
| Docket No. | : | 02-10 |

* * * * *

August 31, 2004

## AMENDMENT

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1504

Sir:

## INTRODUCTORY REMARKS

In response to the Official Action dated June 29, 2004, please enter the following amendments and consider the following remarks.

**Amendments to the Claims** are reflected in the listing of the claims, which begi on page 2 of this paper.

**Remarks** begin on page 13 of this paper.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on August 31, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL 997387219 US.

Timothy A. Nathan, Reg. No. 44,256

09/17/2004 CNGUYEN 00000093 500558 10645241
01 FC:1201 1032.00 DA
02 FC:1202 90.00 DA

| | |
|---|---|
| Mail Stop Amendment | Application Number: 10/645,241 |
| **TRANSMITTAL FORM** | Filing Date: August 31, 2003 |
| *(To be used for all correspondence after initial filing)* | Confirmation Number: 7532 |
| | Inventor(s): ZIEGLER et al. |
| | Group Art Unit: 3743 |
| Express Mail Label No.: EL 997387219 US | Examiner: Mitchell, T. |
| Total Number of Pages in This Submission: 19 | Attorney Docket No.: 02-10 |

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AUG 31 2004
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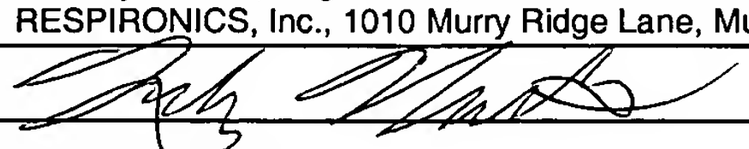
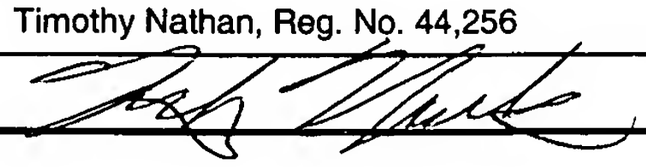
## ENCLOSURES *(check all that apply)*

- ☒ Fee Transmittal Form *(submit in duplicate)*
  - ☐ Fee Attached $ ____
  - Check No.: ____
- ☒ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits / Declaration(s)
- ☐ Extension of Time Request
- ☐ Information Disclosure Statement
  - ☐ Form PTO-1449
  - ☐ Cited References
  - ☐ Search report
- ☐ Drawing(s): Number of Pages ____ Number of Figs. ____ and cover sheet
  - ☐ Formal
  - ☐ Informal
- ☐ Assignment Papers
- ☐ Cover Sheet
- ☐ Drawing Change Authorization Request and Amended Figure(s)
- ☐ Request for Return of PTO-1449 Forms
- ☐ Petition to the Commissioner
- ☐ To Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Address
- ☐ Terminal Disclaimer(s)
- ☐ Certified Copy of Priority Document(s)
- ☒ Certificate of Mailing by Express Mail
- ☐ Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Request for Continued Examination (RCE)
- ☐ Status Request Letter
- ☐ Small Entity Statement
- ☐ Request for Refund
- ☐ Response to Missing Parts / Incomplete Application
- ☐ Other Enclosure(s): ____

**Current Due Date:** September 29, 2004

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|---|---|
| Individual and Company | Timothy Nathan, Reg. No. 44,256<br>RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668 |
| Signature |  |
| Date | **August 31, 2004** |

| CERTIFICATE OF MAILING | | | |
|---|---|---|---|
| I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: August 31, 2004, Express Mail Label No. EL 997387219. | | | |
| Typed Name | Timothy Nathan, Reg. No. 44,256 | | |
| Signature |  | Date | August 31, 2004 |

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# Certificate of Mailing by "Express Mail"

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P.O. Box 1450
Alexandria, VA 22313-1450.

Signature of person mailing correspondence

Timothy Nathan
Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

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# FEE TRANSMITTAL

*(Effective 10/01/2003)*

| | |
|---|---|
| Application Number | 10/645,241 |
| Filing Date | August 21, 2003 |
| First Named Inventor | ZIEGLER et al. |
| Confirmation Number | 7532 |
| Group Art Unit | 3742 |
| Examiner's Name | Mitchell, T. |
| Attorney Docket No. | 02-10 |

"Express Mail" Label No. EL 997387219 US

**TOTAL AMOUNT OF PAYMENT** $ 1122.00

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 50-0558

Deposit Account Name: Respironics, Inc.

☒ Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 1.19 and 1.20

☐ Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☐ Payment Enclosed:

Check (Check No. _____)

## FEE CALCULATION *(fees effective 10/01/2003)*

### 1. FILING FEE

| Large Entity Fee | ($) | Small Entity Fee | ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

**SUBTOTAL (1)** $

### 2. CLAIMS

| | | | Extra Claims | | Fee from Below | Fee Paid |
|---|---|---|---|---|---|---|
| Total Claims | 27 | - 22 * | 5 | x | 18 = | 90.00 |
| Ind. Claims | 15 | - 3 * | 12 | x | 86 = | 1032.00 |
| Multiple Dependent Claims add | | | | | 290 = | |

* Enter Highest Number Previous Paid For

| Large Entity Fee | (S) | Small Entity Fee | (S) | Fee Description |
|---|---|---|---|---|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim |
| 1204 | 86 | 2204 | 43 | Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** $ 1122.00

## FEE CALCULATION *(continued)*

### 3. ADDITIONAL FEES

| Large Fee Code | Entity Fee ($) | Small Fee Code | Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or declaration | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or or cover sheet | |
| 1811 | 100 | 1811 | 100 | Certificate of Correction | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 576 | 25 | 576 | 25 | Additional filing receipt, duplicate or corrected due to applicant error | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for response within first month | |
| 1252 | 420 | 2252 | 210 | Extension for response within second month | |
| 1253 | 950 | 2253 | 475 | Extension for response within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for response within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for response within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive unavoidably abandoned application | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive unintentionally abandoned application | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1814 | 110 | 2814 | 55 | Statutory Disclaimer | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of property) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 C.F.R. § 1.129(a)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination | |

Other Fee (specify) _____

**SUBTOTAL (3)** $ 0.00

## SUBMITTED BY

| | | | | | |
|---|---|---|---|---|---|
| Typed or Printed Name | Timothy Nathan | | | Reg. Number | 44,256 |
| Signature | | Date | August 31, 2004 | Deposit Account Number | 50-0558 |